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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 GREGORY TYREE BROWN,

10 Plaintiff,

11 v.

12 DEAN MASON, et al.,

13 Defendants.

CASE NO. C07-1441RSM

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
REFERRING MATTER TO  
MAGISTRATE JUDGE

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16 The Court, having reviewed plaintiff's First Amended Complaint, defendants' motion to dismiss,  
17 the Report and Recommendation, and plaintiff's objections thereto, does now find and ORDER:

18 (1) The Report and Recommendation is approved and adopted;

19 (2) Defendants' motion to dismiss is GRANTED as to all defendants but defendant David  
20 Bustonaby<sup>1</sup>, and the amended complaint is DISMISSED without prejudice as to those defendants;

21 (3) Defendants' motion to dismiss is DENIED as to plaintiff's retaliation claim against defendant  
22 Bustonaby; and

23 (4) This matter is hereby REFERRED back to Magistrate Judge Brian A. Tsuchida for further  
24 proceedings. The pending motion for leave to file a second amended complaint shall be noted for  
25 consideration by Magistrate Judge Tsuchida.

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27 <sup>1</sup>This defendant's name is variously spelled "Bustanoby" and "Bustonoby" in defendants' motion  
to dismiss. *See*, Dkt. # 31, pp. 1, 6. The Court has used plaintiff's spelling.

1 The Clerk shall direct copies of this Order to plaintiff at has address of record, to counsel for  
2 defendants, and to the Hon. Brian A. Tsuchida, United States Magistrate Judge.

3 DATED this 13 Day of January 2009.

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6 RICARDO S. MARTINEZ  
7 UNITED STATES DISTRICT JUDGE  
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